

NOV 13 2009

**JUDICIAL COUNCIL
OF THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

**IN RE COMPLAINT OF
JUDICIAL MISCONDUCT**

Nos. 08-90231, 08-90232,
08-90235, 08-90236, 08-90237,
08-90238, 08-90239, 09-90021,
09-90024, 09-90080, 09-90145,
09-90146 and 09-90147

ORDER

KOZINSKI, Chief Judge:

Complainant, a pro se litigant, has filed ten misconduct complaints against four district judges and two magistrate judges assigned to her cases. Complainant has also filed over fifty civil cases in the federal courts, including suits against at least four of the subject judges.

Many of complainant's allegations attempt to relitigate substantive and procedural rulings entered in her cases. Because a misconduct complaint is not a proper vehicle to challenge a judge's decisions on the merits, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant also alleges that some of the judges engaged in corruption,

perjury and forgery. Complainant points to the signatures and dates on several orders as evidence, but a review of those orders does not reveal anything untoward. Because complainant hasn't provided any objectively verifiable proof (for example, names of witnesses or recorded documents) supporting her allegations, these charges must be dismissed. See 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D); In re Complaint of Judicial Misconduct, 569 F.3d 1093, 1093 (9th Cir. Jud. Council 2009).

Complainant also states that I must be biased, as I did not immediately respond to her misconduct complaints. This charge must be dismissed, as delay alone does not constitute proof of bias. In re Complaint of Judicial Misconduct, 579 F.3d 1062, 1064 (9th Cir. Jud. Council 2009); see also 28 U.S.C. § 352(b)(1)(A)(iii); Judicial-Conduct Rule 11(c)(1)(D). Nor does this charge require my disqualification from considering these complaints. See In re Complaint of Judicial Misconduct, 567 F.3d 429, 430 (9th Cir. Jud. Council 2009). “[R]igid adherence to the disqualification requirement is not required when complainant is abusing the complaint process.” Id.

Complainant's request for help settling her cases is not cognizable under the misconduct complaint procedure. See Judicial-Conduct Rule 3(h).

To the extent complainant raises allegations against state court judges or

staff, these charges are dismissed because this misconduct complaint procedure applies only to federal judges. See Judicial-Conduct Rule 4.

Finally, because one of the subject judges has resigned, complainant's allegations concerning that judge are dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996).

These numerous frivolous complaints, in conjunction with complainant's lawsuits against many of the subject judges, amount to a pattern of litigious harassment. Further misconduct complaints based on the same underlying facts will be summarily dismissed. Complainant is cautioned that the filing of any more complaints may also result in the imposition of sanctions, including an order preventing complainant from filing further complaints without prior judicial approval. See, e.g., In re Complaint of Judicial Misconduct, 552 F.3d 1146, 1148 (9th Cir. Jud. Council 2009); Judicial-Conduct Rule 10(a).

DISMISSED.